

**IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS---EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS

08 CR 888

Honorable: James B. Zagel

ROD BLAGOJEVICH

**MOTION TO PRECLUDE TESTIMONY OF CONVICTED WITNESSES
WHO HAVE NOT BEEN SENTENCED**

Here comes Rod Blagojevich, defendant, by his attorneys, and in support of the instant motion states as follows:

1. The defendant asserts that after careful study of the facts and discovery material furnished by the government the government may call certain witnesses who have been convicted of felonies against the United States.
2. The defendant believes that many of these convicted persons/government witnesses have not been sentenced, and, in fact, the sentences of these persons have been deliberately postponed by the government in order that the government may exercise a modern "sword of Damocles" over the witnesses.
3. The promise and/or hope of freedom as an inducement by the government to obtain testimony by these witnesses is nothing short of bribery by the government as recognized by many respected federal judges. See. e.g. **United States v Singleton** (10 Cir., 1998), 144 F. 3d.

1343, 165 F. 3d. 1297, en banc, (dissenting opinion, at 1305); United States v Albanese (8 Cir. 1999), 195 F. 3d. 389, 395, dissenting opinion.

4. Defendant believes that the following is a partial list of persons who the government intends to call at the defendant's trial and who have in fact been convicted of federal felonies but not yet sentenced:

Ali Ata

Joseph A. Cari, Jr.

John Harris

Jacob Kieferbaum

Stuart Levine

Steven Loren

Alonzo Monk

Antoin Rezko

Dr. Robert Wienstein

5. The defendant respectfully submits that if the government believes these witnesses, and any other witnesses not mentioned above who have been found guilty and yet to be sentenced, will give truthful testimony, the existence of perjury/false statement statutes, along with the government's exclusive prerogative to bring such charges should be a sufficient guarantee of truth.

6. The defendant submits that the use by the government of the testimony from witnesses convicted of but not yet sentenced for federal crimes violates the defendant's due process guarantee of the Fifth Amendment.

The defendant moves the court to order that any person convicted of a federal felony but not sentenced there for be barred from testifying in the instant trial.

/s/ Sam Adam

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